

CHARTER  
for the  
CITY OF HARRISON  
HAMILTON COUNTY, OHIO

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## HARRISON - CHARTER

### PREAMBLE

We, the people of Harrison, in the County of Hamilton, State of Ohio, in order to secure the benefits of municipal home rule and local self-government under the Constitution and Laws of the State of Ohio, do hereby adopt this Charter. Original Charter adopted by electorate on June 2, 1981.

### ARTICLE I. NAME, BOUNDARIES AND RULES OF CONSTRUCTION

#### Sec. 1.01 NAME

The Municipality now existing in the County of Hamilton, State of Ohio, and known as Harrison shall be a body politic and corporate under the name of the City of Harrison.

#### Sec. 1.02 BOUNDARIES

The Municipality of Harrison shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio.

#### Sec. 1.03 RULES OF CONSTRUCTION

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. As used in the code, unless the context otherwise requires: The singular includes the plural, and the plural includes the singular. Words of one gender include the other genders. Words in the present tense include the future.

### ARTICLE II. FORM OF GOVERNMENT AND POWERS

#### Sec. 2.01 FORM

The Municipal government provided by this Charter shall be known as the "Mayor-Council Form of Government."

## Sec. 2.02 POWERS

The Municipality of Harrison hereby reserves to itself all powers, general or special, governmental or proprietary, including the powers of Home Rule, which may now or hereafter lawfully be possessed or exercised by any municipal corporation of Ohio.

## Sec. 2.03 EXERCISE OF POWERS

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance of Council, and when not prescribed in this Charter or provided by ordinance of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until Council shall provide a different manner of exercising such powers.

# ARTICLE III. COUNCIL

## Sec. 3.01 ELECTION, NUMBER AND TERM OF OFFICE

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members. All members shall be elected from the Municipality at large. The Members of Council shall be elected for overlapping terms of four (4) years. There shall be a Council person election held each two (2) years. Members of Council shall take office January 1, or within ten (10) days thereof, of the year following their election and shall serve until the expiration of their term of office. If a person elected to Council for any reason is not seated within forty-five (45) days after commencement of his term of office, his office shall be forfeited and the vacancy shall be filled in the manner provided in Section 3.10 of this Charter.

## Sec. 3.02 QUALIFICATIONS

(A) Each Member of Council shall be a resident of the Municipality for at least one (1) year prior to filing for public office, shall be a qualified elector of the Municipality, and shall be a resident and qualified elector thereof throughout his term of office. Except as otherwise provided in this Charter, a Member of Council shall not hold any other office, shall not be an employee of the City or receive any other compensation from the City, and shall not hold any other public office except that of notary public, or that of member of the State Militia, or National Guard, or a Reserve component of the United States Armed Forces, or any branch thereof, or that of a member of the county central committee

of the political party of which he is a member, or that of a delegate to a state or national political party convention of the political party of which he is a member.

(B) Any Member of Council who shall cease to possess or who violates any of the qualifications herein provided shall forfeit his office, but failure to maintain such qualifications shall not render void or ineffective any action of Council in which such member has participated.

### Sec. 3.03 POWERS OF COUNCIL

All legislative power of the City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

1. The power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.

2. The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.

3. The power to provide for the exercise of all powers of the local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.

4. The power to fix the number of officers and employees in the various offices, departments, divisions, bureaus, boards, and commissions of the City and to fix the rate of their compensation, hours of work, retirement ages, and to provide such other fringe benefits as established by ordinance.

5. The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for said bonds shall be paid by the City.

6. The power by ordinance, upon an affirmative vote of five (5) members of Council, to create other offices, departments, divisions, bureaus, boards, and commissions, and to combine, change, and abolish any office, department, division, bureau, board, or commission other than the offices, departments, divisions, bureaus, boards or commissions established by this Charter.

7. The Council shall have the power: to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinances regulating the subdivision and platting

of land within the City; to regulate the subdivision and platting of land outside of the boundaries of the City as provided by general law; to adopt and provide for the enforcement of ordinances requiring actual construction or assurance of construction of streets, utility lines and facilities, sidewalks, curbs and gutters and other improvements or facilities as a condition precedent to the approval of a plat of a subdivision; to adopt and provide for the enforcement of ordinances regulating the construction, reconstruction, alteration, enlargement, repair or demolition of buildings and other structures, as defined by ordinance, within the City; to adopt and to provide for the enforcement of housing codes or ordinances, regulating the use and occupancy of any building or structure, as defined by said codes or ordinances, within the City.

8. The Council shall have the power to establish, by ordinance, the rates of charges made of consumers of all municipal utilities and services.

9. The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or by any other method. The power to sell or otherwise convey, lease or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant shall be in the manner as provided by state statute. Title to all real property shall be taken in the name of the City.

10. To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

#### Sec. 3.04 ORGANIZATION

On the January 1 of each year or within ten (10) days thereof, the Council shall meet for the purpose of organizing. At such meeting, the newly elected members of the Council shall subscribe to the oath of office set forth in Sec. 11.07 of this Charter. At this meeting, or as soon thereafter as the Council finds feasible, the Council shall elect the following officer:

(a) A Vice Mayor, who shall be a member of Council, and who shall act as Mayor during the temporary disability or absence of the Mayor subject to the request of the Mayor, or when requested to so act by the Mayor during the latter's temporary absence from the Municipality. The Vice Mayor shall preside over meetings of the Council whenever the Mayor is absent.

(b) In the absence of both the Mayor and the Vice Mayor, the members of Council shall elect one (1) of its members to preside over the meeting.

### Sec. 3.05 SALARIES

Council shall establish by ordinance the compensation paid by the Municipality to all elected officials.

### Sec. 3.06 COUNCIL MEETINGS

Council shall hold not less than two (2) regular meetings each calendar month at such place and at such times as shall be fixed by ordinance. Special meetings may be called by the Mayor or by a majority of the members of Council by written notice served personally upon the Mayor, each member of Council, the Director of Law, and the Clerk of Council or left at their residence at least twenty-four (24) hours in advance of the time of such special meeting.

Council shall be furnished a copy of the agenda, prepared by the Clerk of Council, on the Friday prior to each regular meeting and shall consider no additional items without the approval of the Mayor, or by approval of a majority of those Councilmembers present.

The members of Council may hold an executive session pursuant to Sec. 121.22 O.R.C. or any successor statute thereto.

### Sec. 3.07 QUORUM

A majority of the members elected to Council shall constitute a quorum for the transaction of business of any meeting, but in the absence of a quorum, a smaller number may adjourn the meeting from time to time and shall compel the attendance of absent members in such manner and under such penalties as shall be prescribed by the rules of Council. No member of Council shall be authorized to vote by proxy.

### Sec. 3.08 REMOVAL

Council may remove a Member of Council for gross misconduct; or malfeasance, misfeasance or nonfeasance in or disqualification for office; or for the conviction while in office of a crime involving moral turpitude; or for a violation of his oath of office; or a Council Member who is absent, without being excused by a majority of the other Members of Council, from four (4) consecutive regular meetings of Council. Such removal shall not take place without the affirmative vote of a majority of the other Members of Council and the Member of Council shall have been notified, in writing, of the charge against the Council Member at least fifteen (15) days in advance of a public hearing upon such charge, and the Council Member or his counsel shall have been given an opportunity at such hearing to be heard, present evidence and



examine any witness appearing in support of the charge. In case of removal from office, the person so removed may appeal such removal to the Court of Common Pleas of Hamilton County. Such appeal shall be taken within ten (10) days, and if so taken will stay any removal until final determination by the court. The person removed shall not be reappointed to the vacancy.

#### Sec. 3.09 INVESTIGATIONS

1. Interference with administration: Except for the purpose of inquiry and investigation, the Council, its committees, and members, shall deal with Municipal officials and employees in the administrative service only through the Mayor. Neither the Council, its committees or any member shall interfere with the appointment or removal of any officer or employee subordinate to the Mayor, nor give any order to a subordinate of the Mayor either publicly or privately, except as expressly provided by this Charter.

2. Investigations: Notwithstanding the above, the Council may upon a majority vote of Council, make investigations into Municipal affairs and the conduct of any department or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of this power shall be guilty of a misdemeanor punishable by a fine of not more than \$100 or such other sum as Council shall ordain, or by imprisonment for not more than thirty days (30), or both; and if such person is an employee of the Municipality, such refusal shall be grounds for dismissal.

#### Sec. 3.10 VACANCIES IN COUNCIL

Should a vacancy occur on the Council, those Central Committee members living in the City from the same political party of the vacated member shall name a person to fill that vacancy for the unexpired term. If the Councilmember being replaced was not endorsed by any political party, then that vacancy in Council shall be filled by a majority vote of the remaining members of Council. If such vacancy is not filled within thirty (30) days after it occurs, then the Mayor shall fill it by appointment made by a written document filed with the Clerk of Council. The qualifications as provided in Sec. 3.02 of this Charter shall apply.

## ARTICLE IV. MAYOR

### Sec. 4.01 ELECTION AND TERM OF OFFICE

The Mayor shall be elected at the regular municipal election in 1983 and every four (4) years thereafter for a term of four (4) years commencing on the first day of January next after such election. The Mayor shall serve until his successor is elected and qualified.

### Sec. 4.02 QUALIFICATIONS

The Mayor shall have the qualifications and be subject to the requirements set forth in Sec. 3.02 of this Charter.

### Sec. 4.03 EXECUTIVE POWERS

The Mayor shall be the chief executive and administrative head of the Municipality and shall be solely responsible for the day to day operation of the City, and shall be solely responsible for the management and direction of City personnel. The Mayor shall be the chief conservator of the peace within the Municipality; shall see that all laws and ordinances and resolutions are enforced in the Municipality; shall, except as otherwise provided in this Charter, supervise the administration of affairs of the Municipality; shall, except as otherwise provided in this Charter, make all appointments, promotions, demotions, transfers and removals of City employees as provided for in this Charter or by state statute or City ordinance; shall make such recommendations to the Council as the Mayor deems necessary or expedient for the welfare of the Municipality; shall keep the Council advised of the status of current and future needs of the Municipality; shall submit to the Council an annual estimate of revenues and expenditures and advise Council of the financial condition and needs of the Municipality, including necessary appropriation measures; shall, except as otherwise provided in this Charter, execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and other documents to which the Municipality is a party.

The Mayor shall be the official and ceremonial head of the Municipality and shall be recognized as such by the Governor for military purposes and by the Courts for the purpose of serving civil processes.

Except as otherwise provided in this Charter, all executive and administrative powers conferred by the laws of the State of Ohio upon the Municipality shall be exercised by the Mayor or persons designated by the Mayor.

The Mayor shall serve as President of Council and shall preside over all meetings of Council. During the temporary absence or disability of the Mayor, the Vice Mayor shall preside over meetings of the Council. The Mayor or acting Mayor shall not have the right to make or second motions or to vote except in the case of a tie vote by Members of Council, then the Mayor or acting Mayor may cast the deciding vote. The Mayor or acting Mayor shall not have the right to veto legislative action.

The recommendations and legislative requests of the Mayor or acting Mayor shall be presented to Council in writing, as much as is practical, and must be on the agenda of the next meeting of Council.

#### Sec. 4.04 JUDICIAL POWERS

The Mayor shall have all the judicial powers granted to Mayors by the laws of Ohio.

#### Sec. 4.05 ABSENCE OR VACANCY IN OFFICE

Should a vacancy occur in the Mayor's position, those central committee members living in the City from the same political party of the vacated Mayor shall name a person to fill that vacancy for the unexpired term. If the Mayor was not endorsed by any political party, then the vacancy shall be filled by a majority vote of the Members of Council. Such vacancy shall be filled within thirty (30) days after it occurs. If unfilled after thirty (30) days, the Vice Mayor shall succeed as Mayor and he shall be replaced as set forth in Section 3.10. The qualifications as provided in Section 3.02 of this Charter shall apply.

#### Sec. 4.06 REMOVAL

Council may remove the Mayor for gross misconduct; or malfeasance, misfeasance or nonfeasance in or disqualification for office; or for the conviction while in office of a crime involving moral turpitude; or for a violation of his oath of office; provided, however, that such removal shall not take place without the affirmative vote of five (5) of the members of Council nor until the Mayor shall have been notified in writing, of the charge against him at least fifteen (15) days in advance of a public hearing upon such charge, and he or his counsel shall have been given an opportunity at such hearing to be heard, present evidence, and examine any witness appearing in support of the charge. In case of removal from office, the person so removed may appeal such removal to the Court of Common Pleas of Hamilton County. Such appeal shall be taken within ten (10) days and if so taken will stay any removal until final determination by the Court.

ARTICLE V. ADMINISTRATIVE DEPARTMENTS,  
BOARDS, COMMISSIONS AND BUREAUS

Sec. 5.01 CREATION OF DEPARTMENTS, BOARDS, COMMISSIONERS AND  
BUREAUS

The administrative and advisory functions of the Municipality as prescribed in this Charter shall be carried on by:

1. Department of Building.
2. Civil Service Commission.
3. Department of Finance.
4. Department of Fire and Emergency Medical Services.
5. Income Tax Board of Review.
6. Income Tax Bureau.
7. Department of Law.
8. Parks and Recreation Commission.
9. Planning Commission.
10. Department of Police.
11. Department of Records.
12. Department of Service.
13. Department of Utilities.
14. Board of Zoning Appeals.
15. Department of Zoning.
16. Such other departments, boards, commissions, bureaus or divisions as may be created by ordinance.

Council shall provide by ordinance for the organization and duties of the administrative departments to the extent not provided for by this Charter and may authorize one (1) person to be Director of one (1) or more departments. Each municipal department shall be headed by a full-time or part-time Director, and the Mayor may, with the consent of Council, serve as the Director of one (1) or more departments.

#### Sec. 5.02 DEPARTMENT OF BUILDING

The Director of the Department of Building shall be appointed or removed by the Mayor with the consent of Council. The Director shall be responsible for enforcing the building code as adopted by Council. The Director shall perform all duties as directed by the Mayor or as established by ordinance.

#### Sec. 5.03 CIVIL SERVICE COMMISSION

The Civil Service Commission shall consist of three (3) members who shall be electors of the Municipality and who shall be appointed by the Mayor with the consent of Council. The term shall be for six (6) years staggered. The Mayor with the consent of Council shall fill all vacancies by appointment for the unexpired terms. No member of the Civil Service Commission shall hold any other office or employment with the Municipality. The Civil Service Commission may arrange with the civil service commission of another City in Hamilton County to conduct civil service examinations for the Municipality.

#### Sec. 5.04 DEPARTMENT OF FINANCE

The Director of the Department of Finance shall be appointed or removed by the Mayor with the consent of Council. He shall be the fiscal officer of the Municipality and shall be responsible for the accounting, collection, custody, and disbursement of the funds of the Municipality. He shall serve the Mayor and Council as financial advisor in connection with municipal affairs and shall perform such other duties, consistent with the office, as directed.

#### Sec. 5.05 DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES

The Chief of Fire and Emergency Medical Services shall be the Director of the Department of Fire and Emergency Medical Services and shall be appointed or removed by the Mayor with the consent of Council. He shall be responsible for fire services and emergency medical services and such other duties and functions consistent with his office as directed by the Mayor or Council.

#### Sec. 5.06 INCOME TAX BOARD OF REVIEW

The Income Tax Board of Review shall consist of three (3) members who are electors of the municipality. The members shall be appointed by the Mayor with the consent of Council. Vacancies shall be filled in the same manner. The term shall be for six (6) years staggered. The Income Tax Board of Review shall be the appeal authority from any ruling or decision of the Tax

Commissioner; shall review any rules and regulations proposed by the Tax Commissioner and shall perform such other duties as are promulgated by the Municipality's income tax ordinance.

#### Sec. 5.07 INCOME TAX BUREAU

The Tax Commissioner shall be appointed or removed by the Mayor with the consent of Council. It shall be the duty of the Tax Commissioner to collect and receive income taxes, to keep an accurate record thereof and to report all income tax monies received. It shall also be the duty of the Tax Commissioner to enforce payment of all income taxes owing the Municipality. The Tax Commissioner is empowered, subject to the approval of the Income Tax Board of Review, to adopt and promulgate and to enforce rules and regulations authorized by the income tax ordinance.

#### Sec. 5.08 DEPARTMENT OF LAW

The Director of the Department of Law shall be appointed or removed by the Mayor with the consent of Council, shall serve the Mayor, Council, the administrative departments, and the officers, boards, bureaus and commissions of the Municipality as legal counsel in connection with municipal affairs, and shall represent the Municipality as legal counsel in all judicial and administrative proceedings and shall serve as the Prosecutor in Mayor's Court. He shall perform all other duties now or hereafter imposed on City Solicitors, or Directors of Law under the laws of Ohio, unless otherwise provided by ordinance of Council. He shall perform such other duties consistent with his office as the Mayor or Council may request. No person shall act as Director of Law unless he is admitted to the practice of law in the State of Ohio and is a resident of Hamilton County.

#### Sec. 5.09 PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission shall serve in an advisory capacity to the Mayor and Council on all matters relating to the recreational facilities of the City. The Commission shall consist of seven (7) members who shall be appointed or removed by the Mayor with the consent of Council. Vacancies shall be filled by the Mayor with the consent of Council. All members shall serve for a term of four (4) years and appointments shall be made so that the terms will be staggered. The Commission shall render assistance to and cooperate with organized groups conducting recreation programs, stimulate interest in the care and preservation of historical and scenic sites, make recommendations to the Mayor and Council on the general state of the Municipality, recreation and parks programs and facilities, and perform such other duties and functions as may be required by the Mayor or Council.

#### Sec. 5.10 PLANNING COMMISSION

The Planning Commission shall consist of five (5) members. The Mayor shall be a member by virtue of his office as Mayor. A second member shall be a member of Council elected by the Council to serve during his term on Council. The other three (3) members shall be electors of the Municipality appointed or removed by the Mayor with the consent of Council. Vacancies shall be filled in the same manner. The term shall be for three (3) years staggered. The Planning Commission shall conduct studies and surveys, and prepare plans, reports, and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation, and renewal of the Municipality, and shall make such recommendations relative thereto to the Council as it feels is in the best interest of the Municipality. The Planning Commission shall continuously review and report to Council its recommendations concerning the Municipality's capital improvement programs, subdivision, platting, and zoning ordinances and regulations. It shall cooperate with other governmental or private planning agencies to secure the maximum benefit to the Municipality of the work, studies, surveys, and reports of such other planning agencies. The Planning Commission shall have such other powers and duties as are provided by the general laws of Ohio.

#### Sec. 5.11 DEPARTMENT OF POLICE

The Chief of Police shall be the Director of the Department of Police and shall be appointed or removed by the Mayor with the consent of Council. He shall be responsible for police services, and such other duties and functions consistent with his office as directed by the Mayor and Council within the jurisdictional limits of the Municipality.

#### Sec. 5.12 DEPARTMENT OF RECORDS

The Clerk of Council shall be the Director of the Department of Records and shall be appointed or removed by the Mayor with the consent of Council and shall perform such duties as prescribed by this Charter, by general law or ordinance, or as directed by the Mayor or Council. The Clerk of Council shall not hold any elected office in the Municipality.

#### Sec. 5.13 DEPARTMENT OF SERVICE

The Director of the Department of Service shall be appointed or removed by the Mayor with the consent of Council. He shall be responsible for the custody, care, and maintenance of public buildings, grounds, streets, alleys, storm sewer system, parks, cemeteries owned by the Municipality, sanitation collections or

systems, and such other duties and functions consistent with his office as directed by the Mayor or Council.

#### Sec. 5.14 DEPARTMENT OF UTILITIES

The Director of the Department of Utilities shall be appointed or removed by the Mayor with the consent of Council. The Director shall be responsible for repair and maintenance of the municipal water system, sanitary sewer system, and such other duties and functions consistent with his office as directed by the Mayor or Council.

#### Sec. 5.15 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall consist of five (5) members who are electors of the Municipality and who shall be appointed or removed by the Mayor with the consent of Council. Vacancies shall be filled in the same manner. The Board of Zoning Appeals shall hear and decide appeals and authorize variances from the provisions or requirements of the zoning regulations, subject to the provisions of the zoning ordinance or regulations. The Board shall have such organization, procedures and additional powers and duties as provided by ordinance. The term shall be for five (5) years staggered.

#### Sec. 5.16 DEPARTMENT OF ZONING

The Director of the Department of Zoning shall be appointed or removed by the Mayor with the consent of Council. The Director shall be responsible for enforcing the zoning ordinance as adopted by Council and shall perform all duties as directed by the Mayor or as established by ordinance.

### ARTICLE VI. CIVIL SERVICE COMMISSION

#### Sec. 6.01 CIVIL SERVICE

Appointments and promotions in the classified service of the Municipality shall be made according to merit and fitness, which will be ascertained, insofar as practicable, by competitive examination. The following shall comprise the unclassified service of the City:

1. All officers elected by the electors, or appointed to fill vacancies in elective offices.



2. Clerk of Council.
3. Members of boards, bureaus and commissions appointed by the Mayor or the Council.
4. Directors of Departments.
5. Deputies, clerks, assistants or secretaries to the Mayor and to the Directors of each department.
6. Unskilled labor, as defined by the Civil Service Commission, and part-time employees and temporary employees.
7. Any temporary or part-time office or position requiring the qualifications of any expert.
8. Members of auxiliary units of the Police, Fire, and Emergency Medical Services Departments.
9. Members of the volunteer Fire Department and volunteer Emergency Medical Services Department except regular full-time employees.

#### Sec. 6.02 STATE STATUTES

The applicable state statutes pertaining to the civil service of cities shall be applicable to the classified service of the Municipality, except as otherwise provided by this Charter, by ordinance of Council adopted pursuant to this Charter or by rules and regulations adopted by the Civil Service Commission.

### ARTICLE VII. LEGISLATION

#### Sec. 7.01 ORDINANCES AND RESOLUTIONS

All legislative action shall be by ordinance or resolution. Actions of a special or temporary nature shall be by resolution. Actions involving the imposition of penalties, actions involving the expenditure of public funds, the levying of taxes, the appropriation of funds, the creation of municipal indebtedness, or the approval of municipal contracts, and all other action shall be by ordinance or resolution. Council shall keep a journal of its proceedings which shall be a public record. The individual vote cast by each member of Council shall be recorded as "yea" or "nay" or "abstain" except where Council action is unanimous. In such event the record shall show, "the motion passed (or failed)

unanimously." No ordinance or resolution shall be passed without the affirmative vote of at least four (4) members of Council.

Every ordinance or resolution shall be read by title only when proposed. Additionally, every ordinance shall be read by title only on a second and third day unless the requirement of a second and/or third reading is dispensed with by an affirmative vote of five (5) members of Council.

No ordinance or resolution shall contain more than one (1) subject which shall be expressed in its title.

#### Sec. 7.02 EFFECTIVE DATE

An ordinance which is not subject to referendum shall take effect thirty (30) days after passage. Emergency ordinances shall take effect immediately upon passage. Each emergency measure shall contain a statement of the necessity for such emergency action for its enactment as an emergency measure. Resolutions shall take effect upon passage.

#### Sec. 7.03 PUBLICATION

The Clerk of Council shall authorize by his signature and record in full in a properly indexed book, kept for the purpose, all ordinances and resolutions adopted by the Council. Ordinances and Resolutions shall be published by title only, in a newspaper of general circulation in the Municipality, or by posting in at least five (5) prominent places in the Municipality as designated by Council. Printed copies of all ordinances, resolutions, and amendments to this Charter shall be available for public inspection in the office of the Clerk of Council. They may also be distributed or sold to the public at such reasonable prices as are set by the Council. Ordinances adopting or incorporating by reference uniform or model codes may be published by title only. Such publication shall include a reference to the fact that a complete copy of the ordinance or resolution, including uniform or model codes if pertinent, is on file in the office of the custodian of the Council records and available for public inspection. The custodian of the Council records shall enter on the record of ordinances and resolutions a certificate stating in which newspaper and on what dates such publication was made. A failure to publish or omission, delay, error in said publication on the part of the newspaper, its officers, employees, or agents, shall not cause such ordinance or resolution to be declared invalid or otherwise affect the validity of such ordinance or resolution, and in such event the Council may authorize publication at a later date.

#### Sec. 7.04 CERTIFICATION

Every ordinance or resolution adopted by Council shall be signed by the Mayor and attested by the Clerk of Council. Failure to sign ordinances and resolutions shall not invalidate the passage of such ordinance or resolution.

### ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL

#### Sec. 8.01 ESTABLISHMENT

The initiative, referendum, and recall are reserved by this Charter to the people of Harrison to be exercised as prescribed in this Charter. Electors of the Municipality equal in number to not less than one-tenth of the number of those who voted in the next preceding regular municipal election may by an initiative petition propose to Council the passage of legislation set forth therein; and except as otherwise provided in this Charter, by a referendum petition require legislation to be submitted to the electors for approval in accordance with Section 8.04 of this Charter; and by recall petition propose the recall of an elected officer as provided in Section 8.05 of this Charter.

#### Sec. 8.02 THE PETITION

The form, content, verification of, and other requirements for initiative, referendum and recall petitions, except as otherwise prescribed in this Charter, shall be those prescribed by the general laws of Ohio. In addition to the statutory requirements, each petition shall appoint a committee of three (3) to represent the proponents of the petition in any further proceedings before Council. Such committee shall have the power to fill vacancies in the committee by action of the surviving members. The petition shall be filed with Council. Council shall determine within thirty (30) days whether the petition is valid and sufficient according to law. If the petition is determined to be invalid or insufficient, no further action shall be had.

#### Sec. 8.03 INITIATIVE

Legislation initiated by a valid and sufficient petition shall be referred by Council to a committee of Council to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council after said public hearing. Council shall, not later than the second regular meeting following such reference, either pass the legislation in its original form, or in a form agreed to by a majority of the committee appointed by said

petition, or take appropriate action to submit the legislation to a vote of the electors at the next primary or general election to be held not less than sixty (60) days after the filing of appropriate notice with the Board of Elections. If initiated legislation is approved by a majority of the electors voting thereon it shall be legislation of the Municipality, effective as of the date of the original certification of the result of such election, or at such later date as may be provided in the legislation.

#### Sec. 8.04 REFERENDUM

The referendum shall not be applicable to:

1. Legislation appropriating money;
2. Legislation levying a tax authorized by, or pursuant to, Section 9.01, Section 9.02 or Section 9.08 of this Charter;
3. Legislation providing for improvements petitioned for by the owners of a majority of the foot frontage of other property benefited and to be especially assessed therefor;
4. Legislation submitting any measure to a vote of the electors;
5. Legislation subsequent to the first legislative measure of a series of legislative steps required to be taken to accomplish a particular purpose or objective; or
6. Emergency legislation passed in compliance with the provisions of this Charter.

The taking effect of any legislation subject to referendum shall be postponed by the filing of a valid and sufficient referendum petition within thirty (30) days after the passage thereof. Each referendum petition found to be valid and sufficient shall be referred to a committee of Council to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the third regular meeting following receipt of such referendum petition, either repeal the legislation or take appropriate action to submit it to a vote of the electors at the next primary or general election to be held not less than sixty (60) days after the filing of appropriate notice with the Board of Elections. If the legislation is approved by a majority of the electors voting thereon, the legislation shall take effect immediately upon official certification of the result of such election.

#### Sec. 8.05 RECALL

Electors shall have the power to remove from office by recall election any elected officer of the Municipality. After a holder of an elected office has served six (6) months of his term, a petition demanding his recall and removal may be filed with Council. Such petition shall be signed by electors equal in number to at least twenty-five ~~(25)~~ per cent of the total votes cast at the next preceding regular municipal election. The Hamilton County Board of Elections, within sixty (60) days of the filing of the petition, shall determine its validity and sufficiency in accordance with Section 8.02 of this Charter. If the Board of Elections determines that the petition is valid and sufficient, it shall cause to be delivered, within five (5) days of such determination, notification of such determination to the officer whose removal is sought. If such officer does not resign within five (5) days after the receipt of such notification, Council shall fix a day for holding a recall election not less than thirty (30) days, nor more than forty-five (45) days, from the date of receipt of such officer of said notification. The form of the ballot used shall be:

"Shall \_\_\_\_\_ be removed from his office as \_\_\_\_\_?" If a majority of the votes cast are affirmative, such officer shall be considered as removed, his office will be deemed vacated, and such vacancy shall be filled as provided in this Charter; otherwise he shall remain and continue in office. An officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

### ARTICLE IX. FINANCES

#### Sec. 9.01 TAXES

Taxes shall be levied on real and personal property in the City pursuant to Chapter 5705 of the Ohio Revised Code.

#### Sec. 9.02 EXTRA LEVY

Any taxes proposed to be levied under this Article shall require an affirmative vote of five (5) members of Council.

#### Sec. 9.03 TRANSFERS AND BALANCES

The Council may transfer any part of an unencumbered balance of an appropriation of any fund, to any purpose of object for which the appropriation for the current year has proved insufficient, or

may authorize a transfer of moneys to be made between items appropriated to the same office or department, except as follows:

1. No transfer shall be made from any bond or note fund, except that the unexpended balance of such fund no longer needed for the purpose for which said fund was created shall be transferred to the fund from which said bonds or notes are to be paid.

2. No transfer shall be made of moneys raised or appropriated for the payment of any bond or note of the Municipality, until all indebtedness, interest and other obligations which can lawfully be paid from such moneys have been paid.

At the close of each fiscal year the unencumbered balance of each appropriation, except appropriations to bond or note funds or any other trust or special fund which the Council by law or this Charter shall be authorized to create, shall revert to the fund from which it was appropriated, and shall be subject to future appropriation.

#### Sec. 9.04 PAYMENT OF CLAIMS

No money shall be drawn from the Treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council. No warrant for the payment of any claim shall be issued until such claim shall have been approved in writing by the Director of the department or commission for which the obligation was incurred. Each Director of a department and his surety shall be liable to the Municipality for all loss and damage sustained by the Municipality by reason of the unfaithful approval of any claim against the Municipality in his department. The Director of Finance shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of this Municipality, and examine him upon oath of affirmation relative thereto.

#### Sec. 9.05 CUSTODY AND DEPOSIT OF FUNDS

The Council shall by ordinance provide for the custody of all funds of the Municipality and for the deposit of funds in a bank or banks. All funds received on behalf of the Municipality by any officer, employee, or agent thereof, shall be promptly paid over to the Director of Finance and by him promptly placed in a depository bank, but the Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any department or office.

The Director of Finance may invest moneys of the Municipality, subject to approval of Council, in bonds or notes of this Municipality, or any other investment permitted by law in such manner as is now or hereafter authorized by general law for such investment by treasurers of cities.

#### Sec. 9.06 CERTIFICATION OF EXPENDITURES

No contract, agreement or other obligation involving the expenditures of moneys shall be entered into, nor shall any ordinance, resolution or order for the expenditure of moneys be passed or issued by the Council, or be authorized by any officer of the Municipality, unless the Director of Finance shall have first certified in writing to the Council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose. The provisions of this section shall not be construed to prevent the making of contracts for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter or by general law. All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the Treasury before the maturity of such contract, agreement or obligation, from taxes, assessments, license fees, or from sales of services, products, or by-products of any municipal undertaking, and moneys to be derived from lawfully authorized bonds or notes, shall, for the purpose of such certificate, be deemed to be in the Treasury to the credit of the appropriate fund, and shall be subject to such certification.

#### Sec. 9.07 PUBLIC BIDDING

The Council may authorize expenditures of the funds of the Municipality in amounts exceeding twenty thousand dollars (\$20,000.00), or in such higher amount as may be authorized by general law, without public bidding for the acquisition of real estate, for the discharge of non-contractual claims against the Municipality, for professional services, for the joint use of facilities or exercise of powers with other political subdivisions or governmental bodies, for the product or services of public utilities (including those municipally operated), or in the case of a real and present emergency affecting the public peace, health, safety and welfare, but no other expenditures of more than twenty thousand dollars (\$20,000.00) shall be made except pursuant to contract made with the lowest and best bidder after public advertising and receipt of bids in the manner provided by ordinance.

Sec. 9.08 OTHER TAXES

The Council shall have the power to levy such other taxes as may be lawful in accordance with the provisions of the Constitution and the laws of the State of Ohio.

ARTICLE X. NOMINATIONS AND ELECTIONS

Sec. 10.01 GENERAL

Nomination for Municipal office shall be by petition only. Elections shall be held pursuant to Chapter 35 of the Ohio Revised Code.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Sec. 11.01 CONTINUATION OF ORDINANCES AND RESOLUTIONS

All ordinances and resolutions of the Municipality in effect at the time of the amendment of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed.

Sec. 11.02 AMENDMENTS

This Charter may be amended in accordance with the provisions of Article XVIII, Section 9 of the Ohio Constitution.

Sec. 11.03 SEVERABILITY

If any provision of this Charter be held to be unconstitutional or invalid it shall in no way affect the validity, force, or effect of any other provision of this Charter.

Sec. 11.04 IMPLIED LIMITATION

Any enumeration of powers shall not limit the scope of a general grant of power to the same body or officer.



#### Sec. 11.05 EFFECTIVE DATE

The amendments to this Charter shall take effect immediately upon certification of their passage by the Hamilton County Board of Elections.

#### Sec. 11.06 CHARTER REVIEW COMMISSION

A Charter Review Commission shall be created not less than once each five (5) years on or before December 1 of the year prior to the year of the Charter Review for the purpose of reviewing this Charter to determine if amendments are necessary to conform to the changing needs of the Municipality or to recommend other additions. The Commission shall consist of nine (9) members. The Mayor shall serve as a member of the Commission by virtue of his office and the Council shall elect one (1) of its own to the Commission. The Mayor shall appoint three (3) electors of the Municipality to the Commission and Council shall elect four (4) electors of the Municipality to the Commission. The Director of Law shall meet with the Commission in an advisory capacity.

The Commission shall elect a Chairman, Vice Chairman, and Secretary at its first organizational meeting. Minutes shall be kept of the proceedings and all meetings shall be open to the public. The Commission shall consider any appropriate revision to the Charter and shall submit its recommendation to the Council upon approval by a majority of its members. The recommendations shall not be binding upon the Council. Council may approve, change, or disapprove the proposed changes in accordance with Sec. 11.02 of this Charter.

The Commission must complete its review of the Charter and present its report to Council within six (6) months from the date the Commission was created.

#### Sec. 11.07 OATH OF OFFICE

Every elected official, department Director and appointed official of the Municipality and member of a Board/Bureau or Commission of the Municipality shall, before entering upon his duties, take and subscribe to the following oath or affirmation to be filed with the Clerk of Council: "I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, observe the provisions of the Charter and ordinances of the Municipality of Harrison, and will faithfully discharge the duties of the office upon which I am about to enter."

*City of Harrison  
P. O. Box 286  
Harrison, Ohio 45030*

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